IMPLEMENTATION OF THE HELSINKI ACCORDS

HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

NINETY-NINTH CONGRESS

SECOND SESSION

VIENNA FOLLOWUP MEETING OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE BY AMBASSADOR WARREN ZIMMERMANN

SEPTEMBER 11, 1986

Printed for the use of the
Commission on Security and Cooperation in Europe

U.S. GOVERNMENT PRINTING OFFICE

65-696 O WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

J891-4

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ALFONSE M. D'AMATO, New York, *Chairman*
STENY H. HOYER, Maryland, *Cochairman*

JOHN HEINZ, Pennsylvania
JAMES A. McCLURE, Idaho
MALCOLM WALLOP, Wyoming
GORDON J. HUMPHREY, New Hampshire
CLAIBORNE PELL, Rhode Island
PATRICK J. LEAHY, Vermont
RUSSELL B. LONG, Louisiana
DENNIS DeCONCINI, Arizona

DANTE B. FASCELL, Florida
SIDNEY R. YATES, Illinois
TIMOTHY E. WIRTH, Colorado
EDWARD J. MARKEY, Massachusetts
DON RITTER, Pennsylvania
CHRISTOPHER H. SMITH, New Jersey
JACK F. KEMP, New York
JOHN EDWARD PORTER, Illinois

EXECUTIVE BRANCH

Hon. RICHARD NORMAN PERLE, Department of Defense
Vacancy, Department of Commerce
Hon. RICHARD SCHIFTER, Department of State

MICHAEL R. HATHAWAY, *Staff Director*
MARY SUE HAFNER, *General Counsel*
RONALD J. McNAMARA, *Coordinator*

CONTENTS

WITNESS

SEPTEMBER 11, 1986

	Page
Zimmermann, Ambassador Warren, head of U.S. delegation, Vienna CSCE Followup Meeting	6

APPENDIXES

Appendix 1: Written statement submitted by Commissioner John Heinz	31
Appendix 2: Written questions submitted by Chairman D'Amato and Cochairman Hoyer to Ambassador Zimmermann	34

PUBLIC HEARING ON THE VIENNA FOLLOWUP MEETING OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE BY AMBASSADOR WARREN ZIMMERMANN

THURSDAY, SEPTEMBER 11, 1986

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC.

The Commission met, pursuant to notice, in room 124, Dirksen Senate Office Building, Washington, DC, at 11 a.m.; Senator Alfonse M. D'Amato (chairman) and Representative Steny H. Hoyer (cochairman) presiding.

In attendance: Representative John E. Porter, Commissioner.

Also present: Michael R. Hathaway, staff director; Mary Sue Hafner, general counsel; and Ronald J. McNamara, hearing coordinator.

OPENING PREPARED STATEMENT OF CHAIRMAN D'AMATO

THIS MORNING, THE COMMISSION WILL HEAR TESTIMONY FROM AMBASSADOR WARREN ZIMMERMANN, CHAIRMAN OF THE U.S. DELEGATION TO THE VIENNA FOLLOW-UP MEETING OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE. AMBASSADOR ZIMMERMANN IS FOLLOWING IN THE FOOTSTEPS OF JUSTICE ARTHUR GOLDBERG, WHO HEADED THE U.S. DELEGATION TO THE BELGRADE FOLLOW-UP MEETING, AND GRIFFIN BELL AND MAX KAMPELMAN, WHO HEADED THE U.S. DELEGATION TO THE MADRID FOLLOW-UP MEETING. HE FACES A MAJOR TASK IN A TIME OF GREAT PROMISE AND GREAT PERIL IN U.S. - SOVIET RELATIONS.

THE VIENNA MEETING IS CRITICAL TO THE FUTURE OF THE HELSINKI PROCESS. SINCE MADRID, THERE HAVE BEEN THREE MEETINGS WITH A HUMAN RIGHTS FOCUS, BUT NO IMPROVEMENT IN SOVIET COMPLIANCE. THERE IS ALSO THE CDE MEETING IN STOCKHOLM WITH A SECURITY FOCUS WHICH MAY PRODUCE AN AGREEMENT ON CONFIDENCE- AND SECURITY-BUILDING MEASURES. FINALLY, WE ARE MANEUVERING WITH THE SOVIETS OVER A SECOND REAGAN-GORBACHEV SUMMIT.

WE STRONGLY SUPPORT YOUR EMPHASIS ON COMPLIANCE AT VIENNA. MY GREATEST DISAPPOINTMENT AS CHAIRMAN OF THE COMMISSION IS

SOVIET INTRANSIGENCE ON HUMAN RIGHTS ISSUES. THEY HAVE MADE A HANDFUL OF GESTURES -- THE RELEASE OF SHCHARANSKY AND THE RESOLUTION OF A FEW BILATERAL CASES. HOWEVER, THE KGB CONTINUES TO ARREST UNOFFICIAL PEACE ACTIVISTS AND HEBREW TEACHERS. YURI ORLOV, THE FOUNDER OF THE MOSCOW HELSINKI MONITORING GROUP, REMAINS IN PRISON AS WE APPROACH THE VIENNA MEETING. JEWISH, GERMAN, AND ARMENIAN EMIGRATION FROM THE SOVIET UNION REMAIN AT ROCK BOTTOM LEVELS. AND NOW, THEY HAVE TAKEN NICK DANILOFF, AN INNOCENT U.S. NEWS & WORLD REPORT CORRESPONDENT, HOSTAGE IN A CRUDE ATTEMPT TO SET UP A TRADE FOR A PROFESSIONAL KGB SPY THE FBI CAUGHT IN THE ACT OF RECEIVING CLASSIFIED MATERIAL.

AT THE SAME TIME, THESE GESTURES HINT THAT THE SOVIETS MAY DECIDE TO BECOME MORE FLEXIBLE ON HUMAN RIGHTS ISSUES. IT WILL BE UP TO YOU TO RESOLVE THIS AMBIGUITY IN THE SOVIET POSITION. WE STRONGLY HOPE THAT IT WILL BE RESOLVED IN FAVOR OF FREEDOM FOR SOVIET POLITICAL PRISONERS, OBSERVANCE OF THEIR COMMITMENTS REGARDING FREEDOM OF RELIGION AND CONSCIENCE, AND INCREASED EMIGRATION, AMONG OTHER THINGS. WE ALSO HOPE THAT THE EASTERN EUROPEAN WARSAW PACT STATES MAKE SIGNIFICANT IMPROVEMENTS IN THEIR COMPLIANCE. IF THE SOVIETS DECIDE TO BEGIN HONORING THEIR HUMAN RIGHTS OBLIGATIONS, THE EASTERN EUROPEAN STATES MUST ACT TO RESOLVE OUTSTANDING AND SERIOUS CASES OF ABUSES AND VIOLATIONS.

REGARDLESS OF THE SOVIET RESPONSE, AT VIENNA IT IS VITAL THAT WE CONDUCT A DETAILED AND FACTUAL REVIEW OF SOVIET HUMAN

RIGHTS VIOLATIONS. WE MUST ALSO SECURE A BALANCED STRUCTURE OF POST-VIENNA MEETINGS ALLOWING CONTINUED REVIEW AND DISCUSSION OF HUMAN RIGHTS ISSUES. THESE GOALS ARE OF EQUAL IMPORTANCE. THEY ARE NECESSARY WHETHER OR NOT THE SOVIETS ADOPT A MORE FLEXIBLE POSITION ON HUMAN RIGHTS ISSUES.

IF THERE IS AN AGREEMENT AT STOCKHOLM AT THE SEPTEMBER 19TH END OF THE CDE TALKS, IN OUR VIEW THE HELSINKI PROCESS WILL BE SERIOUSLY UNBALANCED IN FAVOR OF SECURITY. SOVIET COMPLIANCE WITH THEIR HUMAN RIGHTS AND CONTACTS OBLIGATIONS IS VITAL TO RESTORE THE PROCESSES' CREDIBILITY. ONCE COMPLIANCE IS OBTAINED, THEN A BALANCED STRUCTURE OF POST-VIENNA MEETINGS TO CONSIDER THE VARIOUS ASPECTS OF THE PROCESS IS THE NEXT STEP. IF WE DO NOT APPROACH VIENNA WITH THIS PERSPECTIVE, WE WILL BE PAYING TWICE FOR SOVIET SECURITY OBJECTIVES -- FIRST AT MADRID AND SECOND AT VIENNA. THIS WE MUST NOT DO.

VIENNA MUST PRODUCE A HELSINKI PROCESS WHICH ALLOWS US TO EITHER CONFRONT CONTINUED SOVIET HUMAN RIGHTS VIOLATIONS OR WORK WITH A MORE FORTHCOMING SOVIET POLICY. THE SOVIETS HAVE BEEN KNOWN TO REVERSE THEIR HUMAN RIGHTS POLICY LITERALLY OVERNIGHT. IF THEY ARE FLEXIBLE AT VIENNA AND WE AGREE TO A POST-VIENNA STRUCTURE WITHOUT MAJOR HUMAN RIGHTS MEETINGS, WE AND THE CAUSE OF HUMAN RIGHTS WOULD BE IN SERIOUS TROUBLE IF THEY SUBSEQUENTLY REVERSED THEIR POLICY. WE WOULD THEN BE FACED WITH TWO EQUALLY BAD OPTIONS -- WE WOULD EITHER HAVE TO DISRUPT THE PROCESS IN

ORDER TO RESPOND OR WE WOULD REMAIN MUTE UNTIL THE NEXT FOLLOW-UP MEETING. NEITHER OF THESE COURSES OF ACTION IS ACCEPTABLE.

THE COMMISSION LOOKS FORWARD TO WORKING WITH YOU AND WITH THE DEPARTMENT AS WE PREPARE FOR A SUCCESSFUL MEETING IN VIENNA. BOTH MY DISTINGUISHED CO-CHAIRMAN AND I INTEND TO LEAD DELEGATIONS TO VIENNA TO PARTICIPATE IN THE MEETING. WE, OUR COLLEAGUES ON THE COMMISSION, AND OUR COLLEAGUES IN CONGRESS ARE VITALLY INTERESTED IN THE PROGRESS OF THE VIENNA MEETING AND WE WILL BE DEEPLY AND ACTIVELY INVOLVED IN IT. WE WILL MAKE CERTAIN THAT OUR HUMAN RIGHTS OBJECTIVES DO NOT PLAY SECOND FIDDLE IN A SOVIET DISARMAMENT SYMPHONY AT VIENNA.

AT THIS POINT, I WILL TURN TO CONGRESSMAN STENY HOYER, MY ABLE AND EFFECTIVE CO-CHAIRMAN FOR ANY REMARKS HE MAY HAVE.

STENY.

STATEMENT OF COCHAIRMAN STENY H. HOYER

Cochairman HOYER. Thank you, Mr. Chairman.

I want to welcome Ambassador Zimmermann to the Commission. We very much appreciate his being with us today. The Commission perceives the Vienna followup meeting to be a critical conference, and we believe it also has significant opportunities both in the human rights field and in the security area. We believe that it can serve as a forum for not only significant discussions with respect to human rights, but a continuing effort by the United States and the West to clearly delineate for the world the breaches of the Helsinki Final Act being perpetrated by the Soviets and certain Eastern allies. Of course, we will have the opportunity to discuss whatever results occur at Stockholm.

I want to thank Ambassador Zimmermann, Secretary Ridgway and others at the State Department for effecting a closer working relationship between the Commission on Security and Cooperation in Europe and the State Department as it prepares for the Vienna Conference. The fact that the President and the Secretary have seen fit to appoint our own Deputy Director as an Ambassador to serve as deputy head of delegation representing the United States in Vienna goes a long way toward solidifying the close cooperation between this Commission and the State Department as we proceed to Vienna.

Ambassador Zimmermann, I want to particularly congratulate you, as well, for the efforts that you have made in this country, one instance of which you and I participated in Baltimore, in heightening public awareness and focusing attention on the Vienna Conference and the Helsinki process.

This Commission continues to be concerned with the low level of visibility given to many of the issues confronted in the course of the process and we hope to see that focus heightened substantially. The American public should have the opportunity of knowing what is, in fact, going on and what the violations are, some of which are extremely egregious. These violations continue to undermine the establishment of better East-West violations which is, of course, the ultimate objective of the Helsinki Final Act, as well as the assurance of certain human rights and fundamental freedoms basic to a civilized society being accorded by each nation to its own citizens.

So I want to thank you, Mr. Ambassador, not only for being here and cooperating with us, but also for reaching out to include the Commission in the deliberations as we approach Vienna and in Vienna as well.

Thank you very much.

Chairman D'AMATO. Ambassador.

STATEMENT OF HON. WARREN ZIMMERMANN

Ambassador ZIMMERMANN. Thank you, Mr. Chairman and Mr. Cochairman, for your statements and for your strong expressions of support for the delegation as we prepare to go off to Vienna.

Mr. Chairman, I have submitted a rather lengthy statement. If you would be agreeable, I might dispense with reading it and just try to summarize it for 5 or 6 minutes. How would you like for me

to proceed? Would you like for me to read the statement or shall I summarize it and submit it for the record?

Chairman D'AMATO. Would you summarize it? We will take it as if read in its entirety and give us the bottom line.

[The prepared statement of Ambassador Zimmermann appears as follows:]

STATEMENT OF

AMBASSADOR WARREN ZIMMERMANN

CHAIRMAN OF THE U.S. DELEGATION TO THE

VIENNA FOLLOW-UP MEETING

OF THE

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

BEFORE THE

UNITED STATES COMMISSION

ON SECURITY AND COOPERATION IN EUROPE

SEPTEMBER 11, 1986

PROSPECTS FOR THE VIENNA CSCE FOLLOW-UP MEETING

Mr. Chairman, I welcome this opportunity to meet with you, Co-Chairman Hoyer, and the other members of the Commission on Security and Cooperation in Europe to discuss the Vienna Follow-Up Meeting of the Conference on Security and Cooperation in Europe (CSCE) which opens on November 4, 1986. This will be the third such meeting. The first was held in Belgrade in 1977-1978 and the second in Madrid from 1980 to 1983.

As you know, I am no stranger to the CSCE process, having served as Deputy Chairman of the U.S. Delegation to the Madrid Follow-Up Meeting from 1980-1981. I am thus more aware than most of the crucial role which the Commission and its staff have played over the past decade in advancing the goals of the CSCE process, especially in the field of human rights. The U.S. Delegation to the Vienna Meeting will, once again, draw heavily upon your expertise; indeed, the Commission will be represented on the Delegation itself at the level of Deputy Chairman as well as by members of your very experienced staff. I look forward to a close and productive relationship.

As at Madrid, we will also have a group of distinguished Americans serving on the Delegation as public members, which we hope to announce soon. And we will continue to stay in close touch with non-governmental groups which also have made an indispensable contribution to the CSCE process.

The CSCE process began in Helsinki in 1975 with the signing of the Final Act by President Ford and 34 other leaders. This basic document sets out a statement of principles governing the conduct of states toward each other and toward their own citizens, and provides a framework for discussion of the security, economic, and human rights problems which underlie the unnatural division of Europe. Last March, Under Secretary Armacost briefed you at some length on the Administration's approach to the Helsinki process, which remains its position.

Today I will briefly assess the Helsinki process and then outline our basic objectives for the Vienna Meeting, as well as those of our West European Allies and the Soviet Union.

I. The Helsinki Process

The question of "Who won and who lost?" in Helsinki has been roundly debated during the past decade. In fact, that is the wrong question. Everyone must have gotten something out of CSCE, since all 35 CSCE States remain interested in having the process continue. I would rather rephrase that question to "Who gained the most and who gained the least?"

In my view, the Soviet Union has clearly gained the least, both at Helsinki and in the evolution of the CSCE process.

With regard to the Helsinki Final Act, Soviet objectives were basically to legitimize the division of Europe, highlight the central role of the state vis-a-vis the individual, and focus CSCE exclusively on the Soviet vision of pan-European

security. While the USSR succeeded in recording a principle on the inviolability of frontiers, even this principle was tempered by language that frontiers could be changed by peaceful means and by agreement. In fact, the Final Act much more clearly reflects the Western Agenda in CSCE. It looks toward the peaceful reunification of Europe, opening the door for increased East-West contacts. It underscores the rights and freedoms of individuals, establishing standards of government conduct vis-a-vis its own citizens. Finally, it provides a balanced focus in which human rights are recognized as a fundamental element of genuine security in Europe.

The Soviets totally failed to foresee the consequences of the commitments they assumed in Helsinki. They no doubt felt they could simply ignore these commitments, as they had those in the UN Charter and the UN Declaration on Human Rights. In fact, they were confident enough to publish the complete text of the Final Act in Izvestia, thus making it available to every Soviet citizen for the price of three kopecks. The Helsinki monitoring groups that grew up in both the USSR and Eastern Europe were a major unwelcome surprise to the Soviet regime.

Yet another blow was the fact that the Follow-up Meetings in Belgrade and Madrid focussed on exposing Soviet human rights abuses. The effect of this persistent publicity about the true nature of the Soviet system is even now insufficiently understood, in particular regarding the role it played in the

reversal of the Soviet image in Western Europe in the early 1980's. The period of the Madrid meeting (1980-1983) witnessed a dramatic decline of the pro-Soviet left in France, a West German decision to deploy U.S. intermediate-range nuclear missiles on German soil, and sustained popular support in Britain and Italy for Governments committed to strong security ties with the U.S.

The Madrid Concluding Document also made a significant contribution in advancing the fundamental goal of the Helsinki process of increased openness. In a statement before the Madrid Conference, Secretary of State Shultz praised the addition of "important new commitments with respect to human rights, trade union freedoms, free flow of information, and measures against terrorism" as accomplishments of Madrid.

Madrid also provided an important opportunity to advance our goal of finding concrete ways to increase confidence and security in Europe. The mandate adopted in Madrid for the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE) both expanded the zone defined in the Final Act to cover Soviet territory west of the Urals and codified key Western criteria that measures adopted should have ~~military~~ significance and be verifiable.

Despite early Soviet efforts to turn CDE into a forum for empty, propagandistic declarations, the West has been highly successful in keeping the Stockholm Conference focused on its

own agenda. The U.S. is working hard to achieve a successful conclusion, by the September 19 adjournment date, which will enhance stability and security in Europe through adoption of such measures as mandatory notification of military activities at a significantly reduced threshold, mandatory observation, and an annual calendar of planned activities. Adoption of certain CDE measures, such as mandatory on-site inspection on Soviet territory, could also have a favorable impact on other U.S. arms control endeavors.

Despite these gains, it is true that overall Eastern and in particular Soviet compliance with CSCE obligations, especially in the human rights area, remains seriously flawed. Andrei Sakharov and Elena Bonner remain under house arrest in Gorky, and Yuri Orlov, Anatoliy Marchenko and other Helsinki monitors are either in prison or internal exile. Also, the number of Soviet Jews permitted to emigrate fell from 51,000 in 1979 to barely more than 1,000 last year.

The record of Soviet violations has led some observers of the Helsinki process to argue that the U.S. should abandon it altogether. I accept the good faith with which that argument is made and I share the frustration with Soviet violations which has kindled it. Nevertheless, I believe it is wrong. That argument, in my view, is akin to urging that we scrap the criminal code because there are people who break the law. I firmly believe that the Helsinki process has been and remains

65-696 0 - 87 - 2

very much in the interests of the United States.

We must preserve that process in order to keep faith with those who struggle to realize the goals of Helsinki. I have personally asked a number of Soviet dissidents and refuseniks in Moscow and other parts of the Soviet Union if they felt CSCE was a waste of time. I never found one -- and this includes Anatoly Sharansky with whom I discussed this subject last spring -- who told me he wanted the process closed down. They felt rather that, despite the USSR's poor compliance record, the publicity generated by the review meetings on Soviet human rights abuses did indeed help them.

II. The Vienna Follow-Up Meeting

Our approach to Vienna will be governed by two overarching objectives. First, we must secure improved Eastern compliance with commitments already undertaken in the Final Act and the Madrid Concluding Document, particulary with regard to human rights. As promised in President Reagan's statement on the occasion of the eleventh anniversary of the Final Act, "we will work to ensure that the upcoming meeting in Vienna will mark a step toward making the the promises of Helsinki's first decade a reality in its second." Second, and equally important will be our efforts to pursue balanced progress across the board in Vienna, to ensure that human rights are given at least equal weight with other CSCE elements such as security.

In addition, I believe we will have an opportunity in

Vienna to strengthen the relevance and effectiveness of the Helsinki process. In this context, we will consider whether shorter and more frequent follow-up meetings might not provide a greater stimulus for progress. We will also strive to lenghten the period of time devoted to implementation review and increase the openness of the process as much as possible.

To achieve our key objectives we will seek a thorough review of implementation as well as balanced and constructive steps forward. In order to build pressure for improved compliance as well as identify steps that can help bring that about, we need to concentrate attention on the East's record. That will mean devoting a substantial amount of time in Vienna to implementation review in order to establish a clear record of specifics and individual cases where CSCE commitments have been abused. Where productive, we intend to cite specific names and events in plenary session.

As always in CSCE, Basket III and Principle VII issues will be a central focus of our attention. As in the past, the emphasis will be to bring about improvements in the lives of individual, ordinary people. Our vigorous pursuit of human rights improvements will be consistent with the approach taken by the President with General Secretary Gorbachev at the Geneva Summit, that is, emphasizing the need for concrete results.

Western ideas developed during the experts' meetings at Ottawa, Budapest and Bern provide a wealth of material for us

to consider in developing positive steps which could lead to real progress in improving the lot of individuals, reducing barriers and broadening human contacts. Notwithstanding the frustrations we have encountered at experts' meetings, we believe these are worthwhile endeavors and should be part of the post-Vienna agenda. But overall, our proposals will be focussed on and directed toward achieving better compliance with existing commitments.

Maintaining balance will be a central challenge for the Vienna Meeting. This concept of balance ties the various strands of the CSCE together, based on the recognition that the humanitarian, security, and economic elements of the Helsinki process are interdependent. It is unrealistic to believe that real, enduring progress can take place in East-West relations without progress on human rights.

In Vienna, we will have to weigh the results of the CDE, and the other experts' meetings, as well as the achievements and problems in all aspects of CSCE. If the Stockholm Conference concludes successfully, security questions will probably receive prominent attention in Vienna. In the June 11 Budapest Appeal, the Soviet Union and other Warsaw Pact states declared their interest in pursuing negotiations on disarmament from the Atlantic to the Urals. At their Ministerial meeting in Halifax, the U.S. and its NATO Allies established a high level Task Force to examine ways to strengthen stability and

security in Europe, through increased openness and the establishment of a verifiable, stable balance of conventional forces at lower levels. The Task Force will issue an initial report in October and a final report to Ministers in December. While we cannot yet predict the outcome, the results of the Task Force study will no doubt have an important bearing on our work in Vienna.

In determining our approach to security questions, we must be careful to ensure that the security component is not allowed to dominate other aspects of the CSCE process. On the other hand, we must also remember that Soviet interests in security and economic questions will provide important leverage for us to secure our central human rights objectives. And we must bear in mind that important U.S. security interests are engaged in the CSCE process.

III. West European Objectives

With regard to the Atlantic Alliance, the CSCE process has fostered and reinforced Allied unity. The Soviets and others have worked very hard to use the CSCE process to split the United States from its NATO Allies. Not only have they failed in these efforts, but I believe that CSCE has been a historic monument to Alliance cooperation. In turn, Alliance unity -- in insisting on compliance with CSCE undertakings and on balance between security and human rights goals -- has been essential to the progress we have made thus far. We must thus

continue to present a united front if we are to make progress on issues of importance to us.

I believe that strong U.S. leadership and skillful Alliance management both at NATO and in Vienna will allow us to achieve that objective. Based on discussions I have had at NATO and in Allied capitals earlier this year, I can assure you that our Allies fully share our basic goals for the Vienna Meeting. It is often forgotten in this country that, at the outset of the Helsinki negotiations in the mid-1970's, the West Europeans showed a stronger and deeper interest in CSCE, and foresaw much earlier the importance of the human dimension, than did the United States.

Since the 1977 Belgrade Follow-up Meeting, expressions of Western concern over Soviet human rights abuses have become increasingly frequent and specific. This approach has found considerable resonance among West European publics and has increasingly been endorsed at the highest political level. Thus, for example, during General Secretary Gorbachev's visit to Paris in October 1985, French journalists on both the right and the left grilled Mr. Gorbachev on Soviet failure to live up to the standards enshrined in the Final Act. Also during that visit, President Mitterrand insisted that movement in Basket Three of the Final Act take place at the same pace as in the other areas of CSCE. During President Mitterrand's visit to Moscow this July, he again raised the issue of human rights,

focusing on family reunification and increased dialogue on individual rights.

Nevertheless, we need to recognize that our Allies, for a variety of reasons, will pursue somewhat different approaches toward achieving our common objectives. They may not, for example, be as vocal as the U.S. in citing specific cases of non-compliance. Some may tend to emphasize the importance of CSCE as a process rather than as a negotiation. In my view, this diversity of approach will not weaken the impact of our combined efforts to achieve our mutual objectives of increased compliance and continued balance in the CSCE process.

IV. Soviet Objectives

For years the Soviets sought to deflect human rights criticism by hiding behind the principle of "non-interference in internal affairs." The hollowness of this defense, however, has been exposed at successive CSCE meetings during which the Soviets have been forced to confront the facts of their poor record. The Soviets have begun to show sensitivity to such criticism, particularly when it adversely affects the image Moscow wants to cultivate in Western Europe.

Under the leadership of General Secretary Gorbachev, the Soviets appear to be changing their tactics. On the one hand, they have taken the offensive in charging the West with abuses of social and economic rights, and we can expect a long litany of allegations against the U.S. at the Vienna meeting. This

change of tactic, however, concedes the legitimacy of raising human rights issues involving another country. We will therefore welcome the debate and will engage in it energetically.

Mr. Gorbachev has also indicated a greater willingness to talk about Soviet performance with regard to human rights. We can thus expect a more active Soviet effort in Vienna to refute Western efforts to record and correct Soviet abuses. We will also have to guard against allowing the Soviets to gain credit for this increased willingness to discuss human rights as a substitute for actual, concrete performance on the human rights front. In this regard, we must continue to insist that words and promises be backed up with specific deeds.

The Soviets have also indicated a strong interest in progress on security and economic issues. While we will have to examine any Soviet proposals in each CSCE Basket in the context of Western objectives and proposals in these areas, I believe that they can help us, via the principle of balance, to advance our goals with regard to improved compliance on human rights.

V. Conclusion

We have been working closely with the Commission in developing and refining our strategy for the Vienna Follow-up meeting. I look forward to continue close collaboration as we enter the final stages of preparation. As in Madrid, we will

relie heavily on your skills, expertise, and judgment.

Given the Eastern record on human rights issues, the Vienna meeting is likely to be a difficult conference. Nonetheless, I am confident that progress is possible. As President Reagan noted in his statement at the close of the last review meeting three years ago, "Dialogue, when based on realistic expectations and conducted with patience, can produce results. These results are often gradual and hard won, but they are necessary building blocks for a more secure and stable world."

STATEMENT OF AMBASSADOR WARREN ZIMMERMANN, CHAIRMAN OF THE U.S. DELEGATION TO THE VIENNA FOLLOW-UP MEETING OF THE CSCE

Ambassador ZIMMERMANN. Very good.

Chairman D'AMATO. But go ahead.

Ambassador ZIMMERMANN. Fine, all right. I will try to avoid incredible answers.

Chairman D'AMATO. How is that for a start?

Ambassador ZIMMERMANN. Let me say from the outset, Mr. Chairman, how much I personally, and I know Bob Frowick who is here with me, who is the State Department Deputy on our delegation, have valued our relationship with the Commission over the years. We both understand the importance of the Commission both in preparing the policy for these followup meetings and in providing a remarkably talented core of the delegation for these followup meetings, and also in awakening interest and concern in the United States for the issues of Helsinki.

If it were not for the Commission, I think the importance of the human rights element of the Helsinki Final Act and the followup meetings would be much less well understood in the United States, and I think the Commission has played a remarkable role in this public consciousness.

I hope, as in the past, Mr. Chairman and Mr. Cochairman, that you will be coming to Vienna. I am very glad to hear in your statement that you would be coming because the fact that the two of you are vice chairmen of the delegation is an important aspect for us and reflects in Vienna, as well as back here in Washington, the great public role that we consider important in the CSCE process.

We also will have with us in Vienna 12 public members drawn from concerned constituencies around the United States, people who are interested and personally committed to such elements as human rights, and of course, we will be welcoming nongovernmental organizations in Vienna, too, and providing access for them not only to our own delegations, but helping them get the access to others that they will require.

Mr. Chairman, the Helsinki process is clearly in the American interest. I think there should be no doubt about that, and this is the case largely, I think, because of the human rights element in it, which makes the Helsinki process unique in the history of postwar East-West relations.

I feel strongly, and this is a strong, personal commitment, that we should continue and not abandon the process. For us to withdraw from it would, I think, be akin to scrapping the criminal code because there are people who break the law. We do not want to blink back or to ignore violations, which you so rightly referred to in your statement, that the Soviet Union has made. But I think the best way of making sure that these violations are reduced and hopefully eliminated is to keep the process going, and that certainly is the view of the people in the Soviet Union and the Eastern European countries whom we are trying to help.

We will have two main objectives at Vienna. The first will be compliance. We share with the Commission the strong view that compliance is really the key element in the Helsinki process.

We also, second, will be pressing for balance, for insuring that the security component of the Vienna meeting does not obscure the human rights and other components, and I was very glad to hear your statement, Mr. Chairman, about the second fiddle and the symphony. I think that was a very apt way to put it.

We will work very closely with our allies. The Helsinki process has been a major triumph for allied unity through the years. If we stick together, we have a much stronger voice. So we will be paying a good deal of attention to the views of our allies, and we will expect, of course, that they will hear us out and listen to our views and concerns, as well.

To conclude, Mr. Chairman, I see Vienna as a very difficult meeting, a very difficult conference, but I do not go into it with a feeling of pessimism. I think we have a degree of leverage there. If Mr. Gorbachev believes what he says about his image in Western Europe and the United States, then I think we have a chance of getting the kinds of concrete progress that both the Commission and the U.S. Government feel are necessary in the Helsinki process.

Thank you very much, Mr. Chairman.

Chairman D'AMATO. Thank you, Mr. Ambassador.

Mr. Ambassador, if the allies do not accept the idea of linkage in the next stage in the CDE talks to substantial Soviet compliance with the human rights commitments, what will you do?

Ambassador ZIMMERMANN. I feel strongly that linkage, which is another word for balance in the CSCE vocabulary, is an absolutely vital element of the process.

What the Soviets wanted at the beginning was to turn the Helsinki process into a security only affair. We and our allies resisted that. So I feel certain that we will have large support for continuing this linkage.

If we do not have that support, we will have a major alliance problem.

Chairman D'AMATO. When we talk about substantial compliance, someone has to make a judgment as to whether or not the Soviets have really come into this substantial compliance. Let me ask you: what do we mean by that? What are you looking for?

Ambassador ZIMMERMANN. I would like to give you a general answer to that because to be too specific, I think, might get in the way of getting the kinds of things we want.

The Soviets know our agenda. They know our concern for the fate of Andre Sakharov. They know our concern for the fate of the Helsinki monitors, whose only crime is to try to hold the Soviet Union to the commitments that it undertook at Helsinki. They know our concern about the problems of those who want to emigrate from the Soviet Union and are denied emigration. They know our concern about the jamming of radios, and they know our concern, to cite a case which is on everybody's mind today, they know our concern about the rights of journalists.

Nick Daniloff, who is a close friend of mine, as well as being a responsible and dynamic and very competent journalist whom I have known for a good long time is unjustly imprisoned in the Soviet Union because they have ignored the parts of the Helsinki

Final Act which talk about the working conditions and the rights of journalists.

This is an illustrative list, Mr. Chairman, of the kinds of compliance problems.

Chairman D'AMATO. Let's take the Daniloff case. Suppose they release him. That does not, in your mind, strike substantial compliance, does it?

Ambassador ZIMMERMANN. No, certainly not. We would need a good deal more than that. Since they arrested him unjustly, since the world knows that, his release would simply be getting back to zero, where it was at the beginning.

Chairman D'AMATO. Well, as long as we understand that because I am concerned, and I think there are members of this Commission who are concerned, that substantial compliance as it relates to our view, the congressional view and this Commission's view, and what may, indeed, be the view of others in the State Department are two different things. Therefore, the release of some important personages, who are outstanding, well known, Sakharov and others, and then the Soviets saying, well, look what we have done, this could be interpreted as substantial compliance in your mind, and if it would be, it would certainly not be in the mind of this Commission.

Ambassador ZIMMERMANN. Well, I will give you my personal view that nothing that the Soviet Union has done since 1979 would measure up to the kind of compliance I would want to see.

Chairman D'AMATO. I am going to leave the followup questions to my distinguished Cochairman, Congressman Hoyer.

Congressman Hoyer.

Cochairman HOYER. Thank you very much, Mr. Chairman.

Mr. Ambassador, this whole question of what we are looking for in Vienna seems to me to be very important. Particularly, it is important from my perspective in light of the failure to obtain final documents at Ottawa, Budapest, or Bern, which may or may not be a necessary objective or criteria for success. I do not think that a final document necessarily denotes success, particularly if it is a meaningless final document. However, given our record so far, how specific an agenda are we going to Vienna with, in terms of a checklist. What will be the requirements for the United States to believe any document that is drafted in Vienna is one to which we ought to add our name?

Ambassador ZIMMERMANN. Mr. Cochairman, you rightfully, I think, point to one of the major issues which will confront us in Vienna, the question of documents. Like you, I am not too concerned about the lack of documents following some of the meetings between the Madrid followup meeting and the Vienna followup Meeting. I think in those meetings we had a good exchange of views, and I think that in itself is valuable.

But the whole issue of documents, I think, has to be looked at in the light of noncompliance, of essential noncompliance by the East with commitments. That noncompliance is an overhang, really, over everything and documents, therefore, in the absence of compliance begin to lose a good deal of their meaning because what is the value of launching into major new commitments when the old commitments remain on the books and are unobserved?

So our approach at Vienna will be not to oppose documents because documents can play a role. We will certainly want a final document at the Vienna meeting which will, at a minimum, set a date and place for the next followup meeting and could contain some new commitments. But in our view those commitments, to the extent possible, should be focused on the issue of compliance and of implementation in order to highlight the importance of that issue and the fact that compliance has really not been achieved.

Cochairman HOYER. Mr. Ambassador, in light of the results reached at Bern which caused some consternation among our Western allies, as you know, what effect, if any, has that had on our preparation and communications with our allies as we prepare for Vienna?

Ambassador ZIMMERMANN. At Bern we refused to agree to a final document on a point of principle. The principle was that we did not feel the document went far enough, far enough beyond the Madrid and the Helsinki documents. Many of our allies did not agree with us, but we felt we had to do it. We felt that it was not right simply for the sake of allied consensus to agree to a document which we did not feel was a good document.

Now, I think we made that point very clearly, and I noticed in a trip to Europe that I took with our two delegation deputies, Sam Wise and Bob Frowick that the allies had understood that point.

Now, that said, I would like to emphasize that we want to work very closely with the allies because allied unity has been a major element and a major asset for us in the whole Helsinki process. But we feel very strongly that whatever we agree to by way of a document has got to be the right kind of document, and what we did at Bern, I think, was a very useful reminder of our view on that.

Cochairman HOYER. Would you then say that the expectation of allied unity is high at this point in time as we enter Vienna?

Ambassador ZIMMERMANN. I would say so, most emphatically. I think we are going to go into Vienna in close coordination with our allies.

Cochairman HOYER. And does that, Mr. Ambassador, also pertain to the substantial compliance premise with which we enter Vienna as to human rights?

Ambassador ZIMMERMANN. Yes. I feel confident that the allies feel as we do that compliance is a major element of the Vienna meeting.

Cochairman HOYER. And does that relate also to linkage—the term "linkage" is a difficult term. You used it as a synonym for balance. Do you think that applies as well to our European allies?

Effectively, the Commission and the State Department are unified in their premise that you have got to comply with the language that now exists before we talk about any new language. That was the whole question at Bern. Ambassador Novak made the point, I thought, very well. There was, in fact, some action by the Soviets which I will ask you about.

But our European allies, particularly our West German friends, seem to be strongly of the opinion that they would be willing to take a much smaller incremental step forward than we felt was appropriate, on principle, as you have explained, and I am really in-

terested in how those discussions are going; how united a front will we be able to present both at the beginning of Vienna and as we proceed through Vienna on this question of compliance. I think all of us agree that review conferences are critical, and that we are going to continue to have these and continue to participate in the process, but I think the message should be that if you do not comply with the language that now exists—and there are significant, egregious examples of failure to comply—that we are not going to enter into any kind of new agreements.

Ambassador ZIMMERMANN. Yes. It is an important point. Let me say at the outset that there is no dispute within NATO over the importance of balance. There are no allies who come out for turning the Vienna meeting into a "security plus nothing" conference. So there is no dispute on that principle.

Now, we may have differences of opinion with some of our allies over what constitutes balance, over how much we should expect. We do not know that we will have that kind of problem, but we may have it. It is a hypothetical situation now because we do not know how much we will be greeted with on the security side. We do not know if Stockholm will finish successfully.

If it does, then it seems likely we are going to have a major security component put on the table in Vienna, and at that point we are going to have to work out with the allies what sort of balance we can construct, but basically I am optimistic that we can reach agreement.

Cochairman HOYER. Let me briefly go on to two or three other related questions. First of all, as you know, the Commission is very pleased that public members have been included. We would like to urge their fullest utilization that is possible.

Can you tell me how you are proceeding on that, and what kind of coordination has there been between yourself and the public members?

Ambassador ZIMMERMANN. Yes. I have been personally in touch with every one of the 12 public members who have been selected by the White House. I have talked to them on the phone; I have corresponded with them. Now, the list is not fully complete because we are not sure that all of them will be able to serve, and there will be others that we will want to bring up in that case, but we expect to have about 12.

We have assured them that they will play a very integral role in the work of the delegation, and we have tried a Commission initiative, by the way, to stagger their visits to Vienna so there would not be so many there at one time so that we would have a better chance of getting them into the actual work of the delegation.

I am very encouraged by the quality of the people that we have been considering. They are all eminent people with regard to some aspect or another of Helsinki. So they will all have something to contribute, and I certainly pledge to you that we will use them as much as we can in the actual implementation of our policy in Vienna.

Cochairman HOYER. My last question, and then I will let the Chairman go at it again. We are also equally concerned, as you know, with the participation of the nongovernmental organizations, which we believe are of tremendous assistance to this Commission

and of tremendous assistance to the process, in general, as it relates to the specific facts and as it relates to lobbying for the process and for the objectives that the West seeks.

Could you tell me what specific plans we have for fully utilizing and including NGO's and their representatives in our process of deliberations in Vienna?

Ambassador ZIMMERMANN. Yes. I have personally talked to most of the nongovernmental organizations which will be coming to Vienna, and I have told them that our delegation will be fully open to them; that we will want to see them. We will want to do anything we can to facilitate their objectives in Vienna.

We have also talked to the Austrian organizers of the Vienna meeting, and have told them about our strong concern that nongovernmental organizations be given fullest access to the meetings and the delegates; and have been assured by the Austrian organizers that the same access as applied at Madrid, which was quite successfully done, would also be the case in Vienna, and we will make sure when we get there that that commitment is adhered to.

Cochairman HOYER. Thank you, Mr. Ambassador. I have some others, but let me defer to the Chairman.

Chairman D'AMATO. I am going to ask my distinguished Cochairman if he does have any additional questions to continue on, and I thank the Ambassador. We have made brief reference to the members of the delegation, the public members. I would hope that that list would be expanded, as I have indicated to Ambassador Ridgway and to yourself previously, and I look forward to working with you at Vienna.

I feel very strongly that we should not allow the Soviets, with some minimal gestures on their part, to co-opt out a unified effort at seeing to it that the issue of human rights is not put aside.

As we all know, this is their game. They have been working at it assiduously, and I am very much concerned. There was the recent case with Nick Daniloff. They may use that, and we hope for a successful resolution of that case; maybe a Sakharov and Bonner, to pave the way publicly for us to accede to what they would like, and that would be a dropping of the real linkage between human rights and a security conference. So I am concerned about that. I share that with you, again, Mr. Ambassador.

I know that there are other members of this Commission, who are not here, who feel very strongly on that issue, which should not come as a surprise to you or to the administration. If what I have outlined to you as a possible scenario were to take place, I can predict to you that there will be a very substantial outcry from Members of the Congress and from this Commission in opposition to that taking place.

Congressman.

Cochairman HOYER. Thank you.

Let me go back to this question of substantial compliance, which I really think we need to get resolved with our European allies. First of all, the definition of what we are looking for in terms of substantial compliance.

Specifically, Mr. Ambassador, as you know, Ambassador Novak made this point at Bern. During the last 2 days of Bern the Soviets made a major announcement about various cases that they were

going to resolve. First of all, it is my understanding that all of those cases are still yet to be resolved; is that correct?

Ambassador ZIMMERMANN. I checked this morning before I came here to find out what the latest score card was, and I have been told by our Soviet desk that of the 69 cases which the Soviets proposed to resolve, they have resolved only between 15 and 20 of those cases.

Now, that is not a very good record, but I do know from my own experience in the Soviet Union that in a lot of cases it does take time to get an emigration case settled so that the person actually arrives in the West. But I would say on the surface that 15 or 20 out of 69—and they have had since May—is a low number.

Cochairman HOYER. Let me posit this question as a followup to that. Clearly, in Bern one of the rationales discussed by some for the signing of the Bern human context final document was that the Soviets had announced the resolution of these cases, and that was a step toward meeting our demand for compliance.

Now, if, in fact, 15 to 20 of the 69 cases have been resolved—let us say it is 20 to give them the benefit of the doubt—that is less than one-third of the cases that have been resolved to date, some 4 months later. What if we get to Vienna and a substantial number of those cases raised at a previous conference as an attempt to meet our demand for compliance are still yet unresolved? In effect, what do we do?

One of the criticisms, Mr. Ambassador, of the process that we get from members of the Commission is that it is a paper process only; that the lack of compliance so far exceeds any tangible results from the process and that the process is not worth participating in. We went to Bern and said we wanted substantial compliance, and now in the interim between Bern and Vienna we are saying that we want substantial compliance. I went to Stockholm and gave a speech to the conference saying that we believe there is a direct relationship between human rights compliance and security progress. And now to have these cases, just to use these as the example, unresolved by the time we get to Vienna; giving this, what is the practical position of the United States and the West as it relates to further negotiations within the process?

Ambassador ZIMMERMANN. This, of course, is a concern which I have heard all over the country when I have gone to speak. It is a concern I share myself because nobody can pretend that there has been a decent or effective compliance by the Soviet Union, and that does raise, and it should raise, the larger question of why is this process in our interest if the Soviets are simply ignoring it.

I have a strong view that——

Cochairman HOYER. Mr. Ambassador, could I interject?

Ambassador ZIMMERMANN. Sure.

Cochairman HOYER. Because I do not want to take the time. I think the overwhelming majority of us on that side of the table and on this side of the table here believe in the process.

Ambassador ZIMMERMANN. Yes.

Cochairman HOYER. What I am really looking for is tactically what do we do? We want to participate in the process. We understand that. But we get criticism that, you know, we continue to participate in the process but we do not get any response. Tactical-

ly what do we do if we go to Vienna on November 4 and less than one-third of the cases that the Soviets said they were resolving some 6 months before that, have not been resolved?

Ambassador ZIMMERMANN. Well, one weapon we always have, and it has been a very effective one in the past, has been the review of implementation, really the essentially semipublic debate in which we can spread on the record the balance of Soviet compliance or noncompliance. If only 15 or 20 of those cases have been resolved by the time we get to Vienna, that is going to be another element that I think we will need to turn to, in a public way, in our review of implementation, and in a critical way.

Cochairman HOYER. I think that is excellent, and that follows through, of course, on Ambassador Goldberg's and Ambassador Kampelman's policies of specifying individual cases publicly and certainly within the context of the conference itself. Is it your intention to continue that process?

Ambassador ZIMMERMANN. It certainly is. I was a part of that process, as deputy head of the delegation at Madrid, and I certainly intend to continue.

Cochairman HOYER. Now, Mr. Ambassador, I talked about the Soviets and compliance. This Commission, in particular, our Chairman, I must say, has been a leader in emphasizing this area. We are also very concerned, of course, about other Eastern European countries; in Poland with respect to Solidarity; in Czechoslovakia with reference to Charter 77. In Romania there is a great human cry in the Congress and in the country with respect to Romania's failure to respect human rights, to respect religious rights, minority rights; Bulgaria for the treatment of the Turks.

Is it your intention also to raise each one of these issues and specific cases as it relates to these issues?

Ambassador ZIMMERMANN. Yes, it is. I think we have to be even-handed in our whole approach to review of implementation. If there are violations that are obviously committed by Eastern European countries, I think we are going to have to turn to them.

But I would like to add something else about the whole issue of Eastern Europe. I think one of the unsung success stories of the Helsinki process is the degree to which it has stimulated contacts, human contacts, between Eastern and Western Europe. It is easy to look at this process as one involving only the U.S. and the Soviet Union, but, in fact, of course, 33 other countries are involved, and there has been a remarkable increase in human contacts between East and West Europe.

I think for those in the United States, and it is 1 out of 10, who have family ties of one sort or another in Eastern Europe, that is a major fact, and it is also important, I think, because it emphasizes the human dimension. It goes beyond the U.S.-Soviet element and gets down to people in Eastern and Western Europe who want to see more of each other, and that has been a success of the process.

Cochairman HOYER. I agree with you, Mr. Ambassador, and I think that is a well taken comment.

Let me ask lastly—does that mean you are going to vote or take a recess or what?

Chairman D'AMATO. I have not figured that out yet. I need 6 more years to figure that out. [Laughter.]

Cochairman HOYER. Mr. Ambassador, let me ask you: in Madrid—I was not there, but I have been told—you made some excellent speeches regarding Principles VIII through X dealing with self-determination, Helsinki monitors amd compliance with international agreements. You have talked a lot about Principle VII and we are all very concerned about that as well as Basket III; but is it also your intention to focus in, as you did in Madrid, on this continuing question of self-determination?

Obviously an awful lot of our folks are very interested and concerned about that and feel that is one of the most egregious violations that has occurred under the Helsinki Final Act.

Ambassador ZIMMERMANN. It certainly is our intention to focus on that, and in our delegation you referred to the speech I gave on self-determination at the Madrid meeting. Bob Frowick, one of our two deputies, is the man who gave the speech and wrote the speech on self-determination at the Belgrade meeting. So we are very sensitive to that issue, and we will certainly be dealing with it in a very candid way.

Cochairman HOYER. Mr. Ambassador, there are a number of other questions that I would like to ask, and we will be asking them during the course of the next year to 18 months as we participate in this process.

I, for one, and I know the Chairman look forward to participating in the conference. If it requires confrontation, so be it, but it is important, we think, to make it clear to the world that the breaches of the Helsinki Final Act by the East far outweigh their compliance.

In closing, let me also congratulate Ambassador Frowick and Ambassador Wise. I know that they will, with Ambassador Zimmermann, represent the United States very well. We appreciate their willingness to participate, to give up their time and talent to this effort, and we look forward to participating with them.

Thank you very much, Mr. Ambassador.

Ambassador ZIMMERMANN. Thank you.

Chairman D'AMATO. Mr. Ambassador, thank you very much for being with us today.

We have a number of questions on behalf of other members of the Commission. We will ask if you would respond to those in writing for the record, and I know we have another event at which your appearance will be the highlight in behalf of five Soviets who are cancer patients, who seek emigration and reunification with their families, one in Rochester, NY, and I know that your strong representation on their behalf and on behalf of their families and on behalf of human rights will be another part of what can hopefully unfold in Vienna as some meaningful progress, substantial compliance, so to speak.

So we look forward to participating with you in that event, in closing this meeting, and we thank you for your candor.

We stand in recess.

Ambassador ZIMMERMANN. Thank you, Mr. Chairman.

[Whereupon, at 11:55 a.m., the hearing was adjourned.]

APPENDIX 1

STATEMENT OF SENATOR JOHN HEINZ
HELSINKI COMMISSION HEARING
SEPTEMBER 11, 1986

Thank you, Mr. Chairman. And thank you, Ambassador Zimmerman, for coming before the Commission to discuss the upcoming Vienna review meeting. The meeting is part of an ongoing process that I think is a valuable part of United States policy to promote human rights and security in Europe.

Some people question the usefulness of the Helsinki process, given the continuing violations of the agreed human rights principles by the Soviet and Eastern European governments. There is no doubt that the East's compliance record is very poor. But in the Helsinki process, and in the meetings such as that coming up in Vienna, we have the platform from which to put the spotlight of international public opinion on abuses of human rights in the Soviet bloc.

There is evidently a real prospect of concrete progress in the security arena of the Helsinki process, with the CDE talks leading to Western and Eastern positions which are close enough to allow a compromise solution. The kind of agreement which could result would include confidence-building measures that would be of use to the United States, both in a practical and a political sense, and I think that this should be kept in mind when we consider the balancing of human rights and security concerns.

Measures to notify the other side of major military maneuvers, and to allow on-site inspection to enforce such an accord, are of

unquestionable value to the West, whose open societies have always been at a disadvantage in dealing with the secretive Soviet bloc. That is the practical benefit of an agreement in the CDE forum.

The political benefit of a confidence-building agreement would lie in the boost to the image of the United States in Western Europe as a good-faith participant in arms control negotiations. Right now, the propaganda machine of the Soviet Union, tuned up and polished as never before, incessantly stresses the unwillingness of the US to engage in serious arms talks. The Soviet nuclear testing moratorium is being used as a bludgeon to drive home this message to western Europeans, and the result is a less unified NATO and an uneasiness in the minds of allied publics about US arms control policy. An agreement on confidence-building measures in the Helsinki process will put the lie to the Soviet propaganda line.

Recognizing the benefits of a security agreement in no way lets the Soviets off the hook for their failure to live up to human rights commitments contained in the Helsinki documents to which Moscow is a party. Some are concerned that progress in the security area will create an opening for the Soviets to dodge the well-deserved criticism they have coming on human rights compliance. I see no reason this should be the case.

Ambassador Zimmerman, you and the US delegation to the Vienna meeting will have the job of making sure that human rights remains a center of attention. The valuable progress in security cannot blot out the serious violations of agreed human rights principles by the Soviet Union in the recent past.

The litany of Soviet abuses is well-known, but bears repeating. Chernobyl, and the smothering of human contacts between the West and the Ukraine, stand out in the past year. The Daniloff detention is a direct assault on the principles of the Helsinki process that call for facilitating the work of journalists carrying out their duties. Emigration policy from the Soviet Union is a continuing outrage. Perhaps Soviet noncompliance with Helsinki principles is summed up best by the continuing repression of all groups committed to monitoring Soviet compliance with the Helsinki pact.

The balancing of human rights and security concerns in the Helsinki process is a complex task, a business of nuance and procedure which our Vienna delegation must grapple with. There is no single, flawless formula for reconciling these concerns. Ambassador Zimmerman, we cannot lay out a negotiating approach in detail. What we can do is stress that human rights must retain a prominent place at all Helsinki activities. The Commission believes this, and I think the American people would agree.

APPENDIX 2

United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

Following the Commission's hearing at which Ambassador Warren Zimmermann testified, you and Senator D'Amato submitted several additional questions that time did not permit you to cover during the course of the hearing. Enclosed you will find Ambassador Zimmermann's replies to those questions.

The Department believes that the Commission's hearings are a significant vehicle for exchanging ideas on our CSCE policy and for bringing those ideas before the public. We value the dialogue which these hearings represent and we value the contribution which you and your staff make to our efforts to improve the human rights climate in the Soviet Union and Eastern Europe.

We look forward to additional exchanges as the Vienna Follow-up Meeting unfolds.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

The Honorable
Steny A. Hoyer, Chairman
Commission on Security and Cooperation in Europe
House of Representatives.

1. Q: During the closing hours of the Bern Human Contacts Meeting the Soviets indicated that 36 cases of interest to the U.S. were resolved. An additional 29 cases were later mentioned. Of the 65 cases, how many have indeed been resolved?

A: To date, Soviet exit permission has been granted in approximately 45 of the 65 cases.

2. Q: At Vienna, how will you address the many questions surrounding the Chernobyl nuclear disaster, such as notification of neighboring countries, international telephone and mail contacts, and easing restrictions on parcels and medical supplies?

A. The Chernobyl nuclear incident, in addition to precipitating a public health crisis in the Soviet Union and throughout much of Europe, demonstrated once again the failure of the Soviets to comply with even the most rudimentary courtesies on human contacts. One of the real tragedies of Chernobyl was its effect on individuals in Eastern and Western Europe who did not know whether their relatives were alive and well or suffering from the effects of radiation poisoning.

During the implementation review period in Vienna, we raised the commitment of all CSCE states to foster human contacts -- by telephone, by mail, and through visits -- and to live up to their obligations under internationally agreed postal standards. And the U.S. delegation's speech on Chernobyl emphasized the event's human contacts implications. As we move into Vienna's second round, we will be looking at proposals which could help address the question of regulations concerning parcels and medical supplies. Adoption of commitments on these issues could help ameliorate some of the problems Chernobyl brought out.

3. Q: What impact will the frame-up and arrest of U.S. News and World Report correspondent Nick Daniloff have on the Vienna meeting? Will this particular case be raised there? Will the U.S. seek the adoption of new commitments on the treatment of journalists? If so, what new proposals are being contemplated?

A. The free flow of information and the rights of journalists to gather and report news have been and will continue to be prime issues on our agenda in Vienna. We forcefully raised the case of Nicholas Daniloff in the first round. Mr. Daniloff's framing on transparently trumped-up charges is a textbook

example of Soviet failure to comply with the commitments made in Helsinki and Madrid. As in many other aspects of CSCE, the real problem in the Daniloff case is not the absence of commitments, but Soviet failure to comply with the commitments they have already made. We are considering new proposals on information and the treatment of journalists which will better help us hold the Soviets to the standards that have already been set.

4. Q: You mentioned the participation of public members during the Vienna Meeting. What role will these individuals play? Will they be made an integral part of the U.S. delegation?

A. The public members of our Vienna delegation have been full members of the delegation and full participants in the delegation's work. We relied heavily on the expertise, judgment, and skills of these distinguished individuals throughout the first round. They were especially helpful as links to the community of non-governmental organizations, helping us to keep in touch and to learn of new ideas and new developments. The public members on our Vienna delegation represent one of the most outstanding facets of American democracy: individual participation in our government's work.

5. Q: Would the Department of State consider appointing an additional 12 public members should the Vienna Follow-Up Meeting extend beyond August 31, 1987?

A. We expect many of our delegation's public members to return to Vienna from time to time throughout the meeting, no matter how long it lasts. We believe the individuals selected by the White House will serve us well throughout the Vienna meeting.

6. The commission has long supported the active participation of non-governmental organizations in the Helsinki Process. In what ways does the U.S. delegation plan to interact with NGOS in Vienna?

A. We are extremely pleased with the success of our efforts to involve non-governmental organizations in the Vienna meeting. Ambassador Lauder hosted a reception for visiting non-governmental organizations during Vienna's opening week, at which Secretary Shultz read a special letter from the President to NGOs. And during the opening days of the conference, many

of these organizations held press conferences, seminars, and meetings which complemented the deliberations within the conference hall. Members of the U.S. delegation took part in virtually every one of these activities.

As the meeting continues, we will do all that is possible to ensure that the non-governmental organizations that come to Vienna have every opportunity to press Eastern governments for greater compliance with CSCE commitments. With the help of your able staff, we will continue to have an active NGO office to serve both as a point of contact for the NGOs and a source of information for our own delegation. One of our primary objectives throughout the meeting will be to ensure that American NGOs have continued access to the conference site and to Eastern delegates to whom they might wish to speak.

7. Media exposure will be important here in the United States and in Western Europe. What preparations have been made to ensure maximum continuing exposure for the Vienna Meeting?

A. We agree that public diplomacy is an extremely important aspect of CSCE, both here in the United States and throughout Europe -- East and West. Just before the Vienna meeting I participated in a USIA Worldnet -- a news conference that allowed me to take questions from journalists throughout Europe. As a result, the U.S. view on the Vienna meeting was in virtually every major European newspaper on the morning the Vienna meeting opened. And during the course of the first round I have made myself continually available to the press, followed by another hour-long Worldnet in the round's last week.

As the Vienna meeting continues, I will personally seek every opportunity to engage in on-the-record discussions with the reporters representing Western publications, Eastern publications, and international radios, especially VOA and RFE/RL. I will also be seeking opportunities to engage the United States press while in Vienna and when the delegation returns home between sessions. While we are proud that our efforts to raise the Vienna meeting's profile have borne some fruit, we can never be satisfied with our efforts to reach the public.

8. You indicated that the Soviets gained the least out of the Helsinki Process. For years the USSR has sought to turn CSCE into a self-serving security forum. Gorbachev's new Conventional Arms Initiative and the momentum generated in Stockholm threaten to tip the scales back toward Soviet objectives. How does the U.S. Delegation plan to preserve the Helsinki Process's Western orientation?

A. The Soviet objective in CSCE is not simply agreement on a security conference, but one on their own terms. The Stockholm document is, I believe, true to the ideals of CSCE. It concentrates on openness and the exchange of information, not platitudes. And it, just like other CSCE commitments, allows fresh air into the Soviet Union.

Nonetheless, we are concerned about the balance between the security and human dimensions in CSCE. NATO has decided to invite the Warsaw Pact to conduct negotiations on a stable balance of conventional forces at lower levels in a forum constituted by members of the two Alliances. However, it is our view, supported by our Allies, that the Western approach to negotiation of a mandate on conventional stability must take into account Soviet performance on human rights.

But balance can not and should not be addressed strictly in terms of documents and conferences. It has to be addressed in terms of compliance. Eastern non-compliance with the human commitments in CSCE, not potential new documents on security issues, are what threaten to undermine balance in the Helsinki Process. During Vienna's fall round, we addressed this issue by pressing for significantly improved compliance with the human commitments made in Helsinki and Madrid.

9. Q: How would you characterize Eastern compliance with the Human Rights commitments adopted in Madrid? How will this influence negotiation of new commitments in Vienna?

A. Eastern compliance with commitments made in Madrid as well as Helsinki has been inadequate. The Daniloff case is but one example of Eastern failure to comply with the most elementary CSCE commitments. This will have a profound influence on the outcome of the Vienna meeting. In Vienna's fall round we stressed that compliance with existing commitments, not new commitments, is what the CSCE process must produce. For this reason, the proposals we will introduce in the next round will not contain sweeping new commitments. Rather, they will be

vehicles for compliance with the commitments made in Helsinki and Madrid.

10. Now that consensus has been reached on a document in Stockholm, how will this likely affect balance within the CSCE process, particularly in light of the Budapest Appeal? Will the document in Stockholm, absent documents in Ottawa, Budapest, and Bern, mean that Vienna will start with a serious imbalance? How do you intend to regain the equilibrium?

A. It is not the presence or absence of documents which measures success or failure in CSCE. Rather, it is the failure of the East to comply with the commitments made in 1975 and in 1983 which threatens the Helsinki process. Because of this, our goal in Vienna is not to redress the current imbalance through new documents, but through significant compliance with the promises of Helsinki.

11. Q: Would you agree that compliance with existing agreements is not something to be negotiated or paid for again in Vienna? In other words, do you agree that significant improvement in Human Rights compliance must be achieved before we begin to negotiate future activities designed by the East such as a second phase of the CDE?

A. I believe that significantly improved compliance with commitments already made is a primary goal at Vienna. Compliance will be our goal whether we are discussing new documents, new conferences, or reviewing compliance with the commitments of Helsinki and Madrid. Meetings on human dimension issues and meetings to consider confidence and security-building measures could have a place in the outcome in Vienna. But the next phase of CDE, like the last one, must have at its heart the Western agenda: openness and transparency. And it must address exclusively those activities which most threaten peace and stability in Europe: activities of land armies and air and naval activities functionally related to land activities.

12. Q: You mentioned securing improved Eastern compliance with existing commitments. As you have made clear, the Eastern record is appalling. What specifically would constitute improved compliance? Would you insist that improvement be made during the course of the meeting? Would you accept a one-shot deal such as the release of prisoners or would you seek measures aimed at constant progress over time such as agreement on more humane emigration procedures?

A. I believe that we should push for significantly improved compliance across the board. Such gestures as the return of

Sakharov to Moscow are important, but they must be broadened. In judging progress at Vienna, we will look for significant improvements in four specific areas: (1) political prisoners, including Helsinki Monitors, (2) family reunification, (3) emigration, and (4) jamming.

13. Can you give us some idea what you might consider to be significant compliance? I assume you mean something more than the gestures we have seen so far. For example, would you, at a minimum, require the release of all Helsinki monitors, the restoration of Soviet emigration figures to at least the 1977 level, the extension of the right to emigration to all Soviet citizens and the release of large numbers of prisoners of conscience? What about East European compliance?

A. You have touched here on some of the key areas that would figure in our assessment. I believe we should keep an open mind on what exactly would be required but we should continue to make clear that we seek real, significant progress. And as you indicated, it is not only improved human rights conditions for citizens of the Soviet Union, but for those who live throughout Eastern Europe, that we seek.

14. Based on your consultations with representatives of the other NATO countries, what are the major concerns of our allies and what are their expectations going into Vienna?

A. I have been extremely impressed by the unity and determination which all NATO countries have brought to Vienna. We are all concerned about the dismal human rights and human contacts record of the Soviet Union and the other Warsaw Pact member countries. While there have been differences of emphasis, we have been united in our determination to press for significantly improved Eastern compliance with the commitments made in Helsinki and Madrid. We will of course work closely with our Allies throughout the Vienna meeting. As we proved in Helsinki and in Madrid, a united NATO Alliance is the key to success in CSCE.

15. What does the recent establishment of the official Soviet Commission on Humanitarian Affairs and Human Rights indicate to you?

A: The creation of the Humanitarian and Cultural Affairs Administration in the Soviet Ministry of Foreign Affairs last July was part of a general Soviet effort during 1986 to appear more forthcoming in the area of human rights. Although Soviet

officials describe the new office as a counterpart to our own Bureau of Human Rights and Humanitarian Affairs, we have seen no evidence to indicate that the new office exercises any policy role or actually advances the cause of human rights. In this regard, the Soviets have specifically told us that the Humanitarian Administration has no role in reviewing or resolving family reunification cases, or in deciding other human rights matters. The primary function of the office. rather, seems to be propaganda, i.e., to defend Soviet human rights practices and to criticize Western countries for alleged abuses of human rights. The fact that the Soviets felt obliged to create such an office, however, does indicate increased Soviet sensitivity to Western human rights criticism.

16. The Commission fully shares your views concerning the necessity of significant improvement in the Human Rights area at Vienna and beyond. Would the U.S. be prepared to unilaterally veto something that the Soviets desire, such as second stage of the CDE, should Human Rights compliance not be forthcoming during or before the Vienna Meeting?

A. The goal of the United States in Vienna is a balanced outcome which unites all of the elements of the CSCE process, the foremost among them being human rights. Absent significantly improved compliance, it would be difficult to take steps forward in other areas of the CSCE process.

As you know, the United States and its Allies have decided that negotiations on a stable balance of conventional forces at lower levels should take place separately from the CSCE process. That does not, however, mean that they will take place place in a vacuum. There is a clear connection between our interest in security and the fundamental question of how a state treats its own citizens. Indeed, human rights are an element of security, in the deepest sense of that concept. This connection will be taken into account as the Alliance formulates its positions on conventional stability issues.

We intend to work closely with our Allies to ensure that there is no question of the U.S. having to "veto" any proposal in Vienna or in any other forum. Given the unity in Alliance opinion thus far in Vienna, we believe that the question of a "veto" will not arise.

17. Q: Given the lack of Human Rights compliance and U.S. disenchantment with the NNA compromise draft at Bern, what specifically is the U.S. looking for in a substantive and balanced concluding document from Vienna? Has the U.S. made clear to Allies the essential elements which must be included in a document in order for it to gain U.S. acceptance?

A. The Department of State and the Commission staff have developed a package of human contacts proposals for Vienna which we believe would effectively address the problems we saw with the concluding document put forward by the NNA in Bern. We are consulting with our Allies on how the West should pursue these ideas during the Vienna Meeting's second round. During our pre-Vienna consultations, as well as in our meetings during the fall round, we made it clear that new proposals must be vehicles for improved compliance with existing commitments -- not a watering down or a restatement of those commitments. While there remain differences in perspective among individual Allies, we believe there will be backing for this package of human contacts proposals.

18. Although Afghanistan is not a signatory to the Helsinki Final Act. the Soviet invasion and occupation of that country can clearly be cited as an example of violation of principles I, II, VII, IX, and X of the Accords. Do you plan to raise the issue of Afghanistan in Vienna?

A: In the Vienna Meeting's first round, the United States, our Allies, and most of our neutral friends spared no effort in condemning the Soviet invasion of Afghanistan and the Soviet Army's prosecution of its war against the Afghan people. We ensured that the Soviets understood our view that their aggression violated virtually every one of the Final Act's ten principles. While the implementation phase of the Vienna Meeting is now drawing to a close, we do not plan to ignore this issue. As we introduce new proposals, we intend to point out again and again Soviet violations of human rights and other international commitments in Afghanistan.

As the Administration has made clear, the so-called unilateral cease-fire declared by the Kabul regime and the Soviets does not address the central issue in Afghanistan -- the Soviet invasion and occupation of its neighbor. A timetable for the prompt and complete withdrawal of Soviet troops remains the central obstacle to a political settlement.

If the Soviets are serious about a negotiated solution to the war in Afghanistan, they should present a realistic withdrawal timetable at the next round of UN-sponsored negotiations in Geneva.

19. Q: Absent compliance should the U.S. agree to any document containing more than provisions for a Post-Vienna Follow-Up Meeting?

A. The Allied position in Vienna is that our proposals should be limited in number, ambitious, and focused on compliance with existing commitments. If we are able to negotiate proposals which are truly vehicles for improved compliance, they could form part of a useful and balanced concluding document to the Vienna meeting. But compliance, not vague new commitments, is our goal in Vienna. We will not accept a concluding document that papers over the dismal Eastern record.

○

65-696 (48)